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FIG. 9/69--

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PAGE 01 VIENTI 02171 01 OF 02 261444Z

41

ACTION EA-15

INFO OCT-01 PM-05 NSC-10 SS-20 RSC-01 H-02 AID-28 SR-01

ORM-03 CIAE-00 INR-07 NSAE-00 DODE-00 L-04 RSR-01

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC PRIORITY 7651

S E C R E T SECTION 1, OF 2 VIENTIANE 2171

SUBJECT: SENATORIAL INQUIRY CIVILIAN VICTIMS

OF LAOS WAR

REF: A. STATE 038869

B. STATE 039834

C. VIENTIANE 2033

1. FOLLOWING MESSAGE COMMENTS ON QUESTIONS RAISED

IN PARAS FOUR, FIVE AND SEVEN REF A:

2. GENERALLY IT SHOULD BE UNDERSTOOD BY SENATOR KENNEDY'S COMMITTEE THAT THE WAR IN LAOS IS VASTLY DIFFERENT FROM VIETNAM AND THAT IT IS DANGEROUS TO DRAW PARALLELS BETWEEN THEM EXCEPT FOR THE OBVIOUS FACT THAT THE NORTH VIETNAMESE ARE HEAVILY ENGAGED IN BOTH. NVN INVOLVEMENT IN LAOS IS MOTIVATED BY A COMPLEX NUMBER OF FACTORS MOST IMPORTANT OF WHICH IS UNDOUBTED NEED TO USE LAO TERRITORY TO REINFORCE THEIR SUPPLY AND MILITARY ACTIVITIES IN SOUTH VIETNAM.

3. NORTH VIETNAMESE INTERVENTIONS IN LAOS DATES BACK TO THE EARLY 50'S. THE WAR HERE HAS CAUSED MUCH SUFFERING AND COMPARATIVELY SERIOUS LOSS OF LIFE IN A COUNTRY WHOSE TOTAL POPULATION IS LESS THAN THREE MILLION.

4. THE LAO ARMED FORCES HAVE NEVER HAD AVAILABLE TO

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State Dept., USAF reviews completed

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PAGE 02 VIENTI 02171 01 OF 02 261444Z
THEM THE MILITARY CAPACITY AND FIRE POWER WHICH THE U.S.
PRESENCE IN SOUTH VIETNAM HAS REPRESENTED. ALTHOUGH
INDIVIDUAL ACTIONS INITIATED BY PATHET LAO CONTINUE TO
OCCUR, PL ROLE IN WAR IN LAOS HAS STEADILY DIMINISHED.
IN SOME AREAS PL AND FAR COMMANDERS HAVE UNDOUBTEDLY
REACHED TACIT AND PERHAPS SOMETIMES EXPLICIT AGREEMENTS
OF "LIVE AND LET LIVE."

5. THERE ARE CAREFULLY LIMITED FREE BOMB ZONES (FURTHER
DESCRIBED PARA 11). HOWEVER, THERE ARE NO RPT NO FREE
FIRE ZONES OR SEARCH AND DESTROY OPERATIONS LIKE THOSE
IN SOUTH VIETNAM. RLG FORCES CONTINUE "SWEEP OPERATIONS"
DESIGNED CLEAR ENEMY FROM CERTAIN AREAS. THESE ARE
MODEST EFFORTS WITH LIMITED OBJECTIVES AND USUALLY
RESULT IN FEW CASUALTIES ON EITHER SIDE AND NO RPT NO
REFUGEES.

6. THE NVA/PL OF COURSE VALUE PRESENCE OF LAO CIVILIANS
BOTH AS MANPOWER SOURCE AND AS HOPEFUL SHIELD TO ATTACK.
IN SPIKE OF MOST CAREFUL PLANNING BY RLG, THERE NO DOUBT
THAT ON OCCASIONS CIVILIANS ARE KILLED BY BOTH SIDES WHEN
THEY ARE ENGAGED IN COMBAT IN AREAS WHERE CIVILIANS
ARE LOCATED. FORTUNATELY, IN MOST CASES REFUGEES
HAVE ANTICIPATED BATTLES AND HAVE MOVED OUT BEFORE
THEY ACTUALLY OCCURRED. THIS MOST RECENTLY HAPPENED
WHEN CIVILIANS LAST WEEK MOVED OUT OF SAM THONG AND
LONG TIENG.

7. RLAF T-28'S, BY THEIR VERY NATURE, ARE USED ONLY
AGAINST KNOWN OR PRESUMED ENEMY POSITIONS AND/OR IN
SUPPORT OF ROYAL LAO FORCES IN COMBAT. THE DISPERSION
OF RLAF T-28'S THROUGHOUT LAOS AND THE RELATIVELY
LIMITED ORDNANCE THEY CAN CARRY MEAN THAT THEIR USE
IS CAREFULLY HUSBANDED. THEY ARE NEVER COMMITTED TO
"AREA" BOMBING BUT ONLY TO WHAT APPEAR TO BE LUCRATIVE
ENEMY POSITIONS. MISTAKES ARE MADE WHEN PATHET LAO AND
NORTH VIETNAMESE FORCIBLY DETAIN VILLAGERS IN AN AREA TO
PROVIDE THEM A SHIELD AND LOGISTIC SUPPORT. RLAF STRIKES
ARE NOT RPT NOT CONTROLLED BY AMERICANS.

8. ALL USAF AIRSTRIKES IN ALOS ARE CLOSELY CONTROLLED
UNDER A PUBLISHED SET OF RULES OF ENGAGEMENT (ROE)

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PAGE 03 VIENTI 02171 01 OF 02 261444Z
WHICH STATE THAT EACH STRIKE MUST BE VALIDATED BY THE
EMBASSY OR MADE WITHIN SPECIFIED TARGETS OF OPPORTUNITY
STRIKE ZONES. THESE STRIKE ZONES ARE AUTHORIZED BY
THE EMBASSY ONLY AFTER IT HAS BEEN ESTABLISHED THAT
NO RPT NO NON-COMBATANTS, NATIONAL SHRINES OR
RELIGIOUS TEMPLES ARE WITHIN THE AREA. THE SINGLE
OVERRIDING RULE IS THAT NO RPT NO VILLAGES MAY BE
STRUCK. THE AMBASSADOR IS ULTIMATELY RESPONSIBLE
FOR CONTROLLING AND MONITORING THESE ROE'S.

9. USAF AIRSTRIKES IN LAOS ARE DIVIDED INTO TWO
CATEGORIES. ONE IS THE MASSIVE INTERDICTION
EFFORT CARRIED ON IN LAO PANHANDLE AGAINST HO CHI
MINH TRAIL. AT THEIR INCEPTION, THESE AIRSTRIKES DID
PRODUCE REFUGEES BUT THE RUGGED MOUNTAINOUS AREA
OF THE HO CHI MINH TRAIL (AND FOR THAT MATTER MUCH OF
NORTH LAOS) HAS ALWAYS BEEN SPARSELY POPULATED. TO
THE BEST OF OUR KNOWLEDGE THE NUMBER OF REFUGEES
FROM THE TRAIL AREA ARE THOSE ENUMERATED IN REF C,
PARA 2D (8, 9, 10 AND 11) AND TOTAL APPROXIMATELY 10,000
PEOPLE.

10. B-52 STRIKE ZONES MUST BE CLEARED IN ADVANCE WITH
THE AMBASSADOR AND HIS SPECIFIC APPROVAL MUST BE
GRANTED BEFORE THEY ARE FLOWN. AUTHORITY IS
WITHHELD, FOR EXAMPLE, IF THE AMBASSADOR HAS REASON
TO BELIEVE THAT FRIENDLY POWS MIGHT BE LOCATED IN THE
TARGET AREA, THAT VILLAGERS ARE IN THE TARGET AREA OR
THAT FRIENDLY INTELLIGENCE TEAMS MAY BE OPERATING THERE.

11. IN NORTH LAOS AND THE AREA IN SOUTH LAOS WEST OF THE
HO CHI MINH TRAIL, EACH USAF STRIKE IS CONTROLLED BY A
USAF FAC WITH LAO BACKSEATER OR LAO GROUND OBSERVER
WITH INTIMATE KNOWLEDGE OF THE TERRAIN, FRIENDLY AND
ENEMY TROOP POSITIONS AND VILLAGE AND POPULATION
LOCATIONS. THE ONLY EXCEPTION TO SUCH CONTROL, AND
WHAT ARE IN EFFECT FREE BOMB ZONES, ARE CAREFULLY
DESCRIBED IN ARMED RECCE AREAS ALONG ENEMY LOC'S
AND IN "BOXES" IN MILITARY REGION TWO AND THE PDJ AREA
WHERE INTELLIGENCE HAS SHOWN A CONCENTRATION OF
ENEMY FORCES AND PHOTOGRAPHY SHOWS THE ABSENCE OF
VILLAGES AND FRIENDLY FORCES.

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PAGE 04 VIENTI 02171 01 OF 02 261444Z

12. PARA FOUR B AND C. THE EXPOSITION ABOVE WOULD APPEAR TO BE RESPONSIVE TO THE QUESTION OF WHO IS RESPONSIBLE FOR IMPLEMENTING THESE CONCEPTS AND ACTIONS. IN EFFECT, THE RLG ITSELF CONTROLS USE OF ALL MILITARY ASSETS AT ITS DISPOSAL INCLUDING RLAF T-28S ALTHOUGH IT IS AMENABLE TO, BUT NOT ALWAYS CONVINCED BY, US. ADVICE. THE AMERICAN AMBASSADOR IN LAOS IS ULTIMATELY RESPONSIBLE FOR THE USE OF THE ONLY AMERICAN "COMBAT FORCES" IN USE HERE: U.S. AIRCRAFT WHICH BOMB ENEMY HELD TERRITORY IN LAOS AT THE REQUEST OF THE PRIME MINISTER. GP-3.
GODLEY

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PAGE 01 VIENTI 02171 02 OF 02 261556Z

42

ACTION EA-15

INFO OCT-01 PM-05 NSC-10 SS-20 RSC-01 H-02 AID-28 SR-01

ORM-03 CIAE-00 INR-07 NSAE-00 DODE-00 L-04 RSR-01

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC PRIORITY 7652

S E C R E T SECTION 2 OF 2 VIENTIANE 2171

SUBJECT: SENATORIAL INQUIRY CIVILIAN VICTIMS
OF LAOS WARREF: A. STATE 038869
B. STATE 039834
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13. PARA FOUR D. WARS HAVE HISTORICALLY CREATED REFUGEES AND CIVILIAN CASUALTIES. THE WAR IN LAOS IS NO DIFFERENT. IT IS ALMOST IMPOSSIBLE TO ASSOCIATE A CERTAIN NUMBER OF REFUGEES OR CASUALTIES AS HAVING BEEN CREATED BY THIS OR THAT TECHNIQUE OF BATTLE. STUDIES OF REFUGEES ATTITUDES UNDERTAKEN BY THE RLG AND USAID HAVE NOT SURPRISINGLY SHOWN THAT NO SINGLE REASON OPERATED TO CAUSE A LAO, OF WHATEVER ETHNIC BACKGROUND, TO LEAVE HIS PLACE OF HABITUAL RESIDENCE AND MOVE ELSEWHERE. MOST OF THE REASONS ARE DIRECTLY ATTRIBUTABLE TO THE WAR AND TO THE FACT THAT CERTAIN AREAS OF LAOS HAVE BEEN FOUGHT OVER SCORES OF TIMES AND HAVE CHANGED HANDS LITERALLY TWICE A YEAR SINCE 1964.

14. MOST LAO WISH TO GET TO A PLACE WHERE THEY CAN RAISE THEIR RICE WITH SOME ASSURANCE THAT THEY WILL BE ABLE TO HARVEST IT. THIS ASSURANCE CANNOT BE PROVIDED IN AREAS WHERE BATTLES ARE RAGING. IT CANNOT BE ASSURED WHEN RICE SUPPLIES ARE SUBJECT TO

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PAGE 02 VIENTI 02171 02 OF 02 261556Z
REQUISITIONING BY NORTH VIETNAMESE AND PL FORCES.
IT CANNOT BE ASSURED WHEN THE LAO PEASANT HIMSELF
IS SUBJECTED TO PERIODS OF FORCED LABOR BY NVA/PL.
IT CANNOT BE ASSURED WHEN CIVILIANS ARE BEING SUBJECTED
TO BOMBING OR SHELLING FROM EITHER SIDE. MOST LAO
CIVILIANS LEARNED VERY QUICKLY THAT BOMBING
NECESSARILY FOLLOWS THE NORTH VIETNAMESE. BUT THEY
ALSO KNOW THAT LIFE UNDER THE NVN IS DIFFICULT INDEED.
IT IS THEREFORE NOT SURPRISING THAT THE LAO MOVE TO
GOVERNMENT AREAS TO AVOID THE VIETNAMESE.

15. IN ANSWERING PARA FIVE, TWO CATEGORIES OF PERSONNEL
WILL BE CONSIDERED, FIRST, AMERICANS, SECONDLY, RLG
FORCES. US MILITARY ACTIVITY IN LAOS IS LIMITED TO
ADVISING RLG GROUND FORCES AND AIR ACTIVITIES AS
PREVIOUSLY ANNOUNCED BY THE PRESIDENT. INSTRUCTIONS
HAVE BEEN ISSUED TO AMERICAN PERSONNEL IN THEIR
ADVISORY CAPACITY TO ATTEMPT TO INSURE THAT RLG FORCES EXERCISE
EVERY PRECAUTION TO PROTECT THE CIVILIAN POPULATION.
THE SAME IS TRUE OF AIR ACTIVITIES. THESE GUIDELINES
ARE BEING FOLLOWED.

16. THE FAR GENERAL STAFF AND SENIOR MILITARY
COMMANDERS GIVE ADVANCE CONSIDERATION TO THE EFFECT
ON CIVILIANS WHEN PLANNING OPERATIONS. IN IMPLEMENTATION
OF THIS CONCERN, FAR HAS ISSUED CAREFUL DIRECTIVES TO
PROTECT CIVILIANS. THESE DIRECTIVES ARE GENERALLY
FOLLOWED. NEVERTHELESS, AS IN ALL ARMIES THERE ARE
SOME INSTANCES OF BAD CONDUCT BY RLG FORCES WHO,
OCCASIONALLY EXPLOIT CIVILIANS TO SUPPLEMENT THE
MEAGER PAY THE ARMY RECEIVES.

17. A FAR CIVIC ACTION PROGRAM EXISTS AND IS BEING
INTENSIFIED BUT ITS EFFECTIVENESS VARIES FROM REGION
TO REGION DEPENDING ON THE INTEREST SHOWN BY THE
LOCAL COMMANDER. IN AREAS WHERE IT IS PURSUED
SERIOUSLY, BENEFIT DOES DERIVE FROM MEDICAL TREATMENT
AND OTHER ASSISTANCE PROVIDED BY FAR TEAMS.

18. PARA SEVEN A. WE BELIEVE THAT WASHINGTON IS
PROBABLY IN AS GOOD A POSITION AS WE ARE HERE TO
"ASSESS ATTITUDES AND CAPABILITIES OF THE RLG FOR THE

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PAGE 03 VIENTI 02171 02 OF 02 261556Z
CARE AND PROTECTION OF CIVILIAN POPULATION." THE
RLG IS NOT MILITARY DICTATORSHIP NOR IS IT CRUEL GOVERNMENT
DEDICATED TO SEARCHING OUT AND DESTROYING ELEMENTS
WHO MIGHT BE REGARDED AS SUBVERSIVE. IN FACT, RLG
UNITS IN OPERATIONS AGAINST THE ENEMY FREQUENTLY
ASSIST CIVILIANS LONG UNDER ENEMY CONTROL TO RELOCATE
PEACEFULLY IN RLG AREAS. THUS, WITHIN ITS MEANS, RLG
HAS ALMOST CONSISTENTLY REACTED IN AN EXEMPLARY
FASHION BOTH TO ITS RESPONSIBILITIES TOWARD REFUGEES
UNDER ITS CARE AND TO THE CIVILIAN POPULATION THREATENED
BY THE ENEMY.

19. RLG RESOURCES, OF COURSE, NO WHERE NEAR MATCH
THE REQUIREMENT IN EITHER OF THESE DOMAINS. AS
WASHINGTON KNOWS, IN SPITE OF THE
DISTINGUISHED PERFORMANCE OF RLG AND PARTICULARLY
SECRETARY OF STATE FOR SOCIAL WELFARE KEO VIPHAKONE
IN THE RECENT MOVE OF REFUGEES FROM THE PDJ TO THE
VIENTIANE PLAIN AREA, THE MOVE AND THE FEEDING OF
THESE REFUGEES WAS ALMOST WHOLLY EXECUTED BY USAID.
AS NOTED IN REF A, USAID FEEDS 204,000 REFUGEES AND
MILITARY DEPENDENTS AT VERY SUBSTANTIAL COSTS TO THE
USG.

20. THE PROBLEM OF TERRORISM IN LAOS HAS FORTUNATELY
NEVER APPROACHED THE SITUATION IN SOUTH VIETNAM
(VIENTIANE A-48 AND A-34). ALTHOUGH THERE ARE KIDNAPPINGS,
KILLINGS OF LOCAL GOVERNMENT OFFICIALS AND AMBUSHES
ALONG THE ROUTE STRUCTURE, THE LAO IN RURAL AREAS EVEN
UNDER ONLY NOMINAL RLG CONTROL FEEL RELATIVELY SECURE
AND HAVE REASON TO COUNT ON WHATEVER GOVERNMENT
FORCES MAY BE IN THE AREA TO REACT TO TERRORIST RAIDS.

21. FREQUENTLY, HOWEVER, BECAUSE OF LAO MANPOWER
SHORTAGES, BOTH CIVILIAN AND MILITARY, CONSIDERABLE
AREAS UNDER RLG CONTROL ARE VULNERABLE TO HIT AND RUN
ENEMY TERRORIST ATTACKS. POLICE CAPABILITIES,
PARTICULARLY IN COMMUNICATIONS, HAVE STEADILY
INCREASED OVER THE PAST FEW YEARS AS HAS THEIR
COOPERATION WITH ROYAL LAO ARMY.

22. A RECENT EXAMPLE OF RAPID RESPONSE TO ENEMY

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PAGE 04 VIENTI 02171 02 OF 02 261556Z
ATTACK ON A FRIENDLY POPULATION CENTER OCCURRED
WHEN NVA FORCES ATTACKED THE RELATIVELY HEAVY
POPULATED AREA EAST OF PAKSANE AND WERE BEATEN
BACK BY RLG FORCES WITH SUBSTANTIAL LOSSES. SUCH
RESPONSES GO A GREAT DISTANCE TO REINFORCE THE TRUST
OF THE LAO PEOPLE IN THE GOVERNMENT'S ABILITY TO
PROTECT THEM FROM THE ENEMY. GP-3.
GODLEY

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